



CATEGORICAL EXCLUSION REVIEW

PROPOSAL INFORMATION

Proposal Name: Lower Fly Creek Restoration

PALS Tracking #: 56796

Proposal Date: 11/28/2018

Project File: C:\Users\briannacarollo\Box\01.brianna.carollo Workspace\lag2019SmallProjects\Fly Creek Restoration

Proponent Name: Joe Platz

Line Officer: Bill Gamble

General Location: 3.5 miles of Fly Creek, beginning at the confluence of Lower Fly Creek and the Grande Ronde River

District: La Grande Ranger District

County(ies): Union

Legal Description: T 4S, 35E, S 23, 27 & 34 and T 4S, R 35E, S 1, 12 & 13

Anticipated Implementation: May 2020

Signing Authority: District Ranger

Elevation Range: 3500-3800 feet

Watersheds: Lower Fly creek Watershed

APPLICABLE CATEGORY/IES

This proposal is categorically excluded from documentation in an EA or EIS because it fits the following category by improving hydrologic conditions of Lower Fly Creek using materials harvested within the watershed.

Applicable Category: 36 CFR 220.6(e)(7) (DM Required)

PROPOSAL

Project Summary

Lower Fly Creek will be restored through the addition of floodplain and instream wood, which improves floodplain inundation and instream channel habitat (pool quality/quantity, spawning gravels, fish cover, and habitat complexity). Wood will be arranged into debris jams and habitat structures at 80 sites within the lower 3.5 miles of Fly Creek (RM .5 – RM 4.0). Approximately 1200 pieces of large wood (800 trees) and 2,140 yards of racking material will be used to make structures. An additional 150 whole trees will be placed within the stream and 200 pieces of wood will be placed in the floodplain. Boulders will be placed into the stream, as available. All of the wood and boulders will be placed with excavators/log loaders. There will be 1-3 pieces of large wood dug into the stream bank at each structure site and 2 – 5 pieces of large wood will be pinned at each site.

Structure Types and Materials

- 80 Type A Full Spanning Log Jams designed for floodplain inundation and habitat complexity. Materials needed for this type of structure include 2 large trees with rootwads (> 20" dbh & 50' long), 4 medium trees with rootwads (14" – 20" dbh & 50' long), 6 small trees/logs (10" – 14" dbh & 30' – 50' long), 2 whole trees, and 2.5: 10 yard loads of racking material.
- 7 Type C Small Habitat Structures will be constructed to increase habitat complexity. These structures consist of 2 large trees with rootwads, 4 medium trees, 4 small trees, 2 whole trees and 2: 10 yard loads of racking material.
- 150 whole trees and 200 logs will be placed between structures and on the floodplain to provide habitat complexity, fish cover, and floodplain roughness.



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Total of 1550 large wood pieces

- An additional 500 large pieces of wood (200 whole trees, 200 logs with branches, and 100 logs with rootwads) will be flown into Lower Fly Creek to augment 2020 constructed structures during the Middle Fly and MUGRII restoration projects.

Access

Machinery will enter the project area from a spur road to National Forest System Road (NFSR) 5115. This road (formerly NFSR 5115-290) will be reopened for 1.3 miles to connect NFSR 5115 to the non-system stream bottom road adjacent to structure sites on Fly Creek.

Woody Material Sources

There are a total of 950 large trees needed for the project. Of these, 174 trees will be over 20", 348 trees will be between 14" and 20" dbh, and 428 trees will be between 10" and 14" dbh. All of the trees will be a minimum of 50' long (whole trees could be longer).

Approximately 900 trees will be harvested from within 300' of Fly Creek, with most harvest planned for the outer 200' of the RHCA. Trees within 100' of Fly creek would generally remain in place where direct access to the creek is not needed. Approximately, 1,790 yards of racking material will be obtained from roadside materials (small trees thinned from dense stands and branches/tops). An additional 50 large pieces of wood and 350 yards of racking material will be removed from the access road to Fly Creek. The wood and racking material will be obtained within 15' of the road prism. The trees and racking material will be pushed over or plucked and skidded down to Fly Creek.

Rehabilitation

All of the disturbed areas will be seeded, and access roads will be ripped once project activities are complete. Disturbed areas adjacent to Fly Creek and access roads will be replanted with 5,000 conifer seedlings (ponderosa pine and western larch) and 4,500 deciduous seedlings (cottonwood, willow and alder).

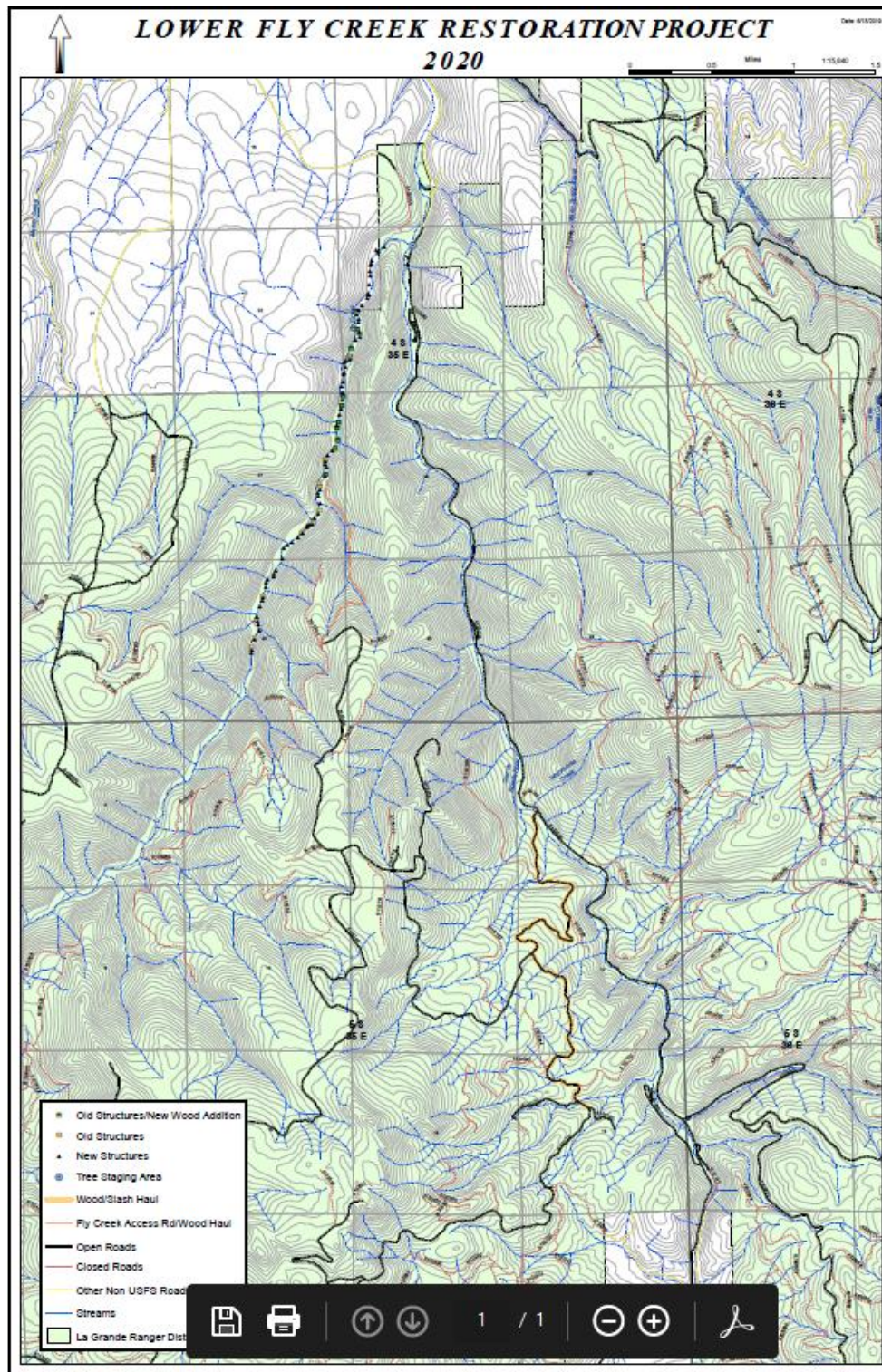
Timing

Project activities are scheduled from May to November 2020. All of the instream work will occur in July. Tree removal and haul from roads will occur from May 17 – June 30. Tree removal adjacent to Fly Creek will occur from June 1 through June 30. Rehabilitation, seeding and planting will occur from May 17 – November 6.

Project Design Criteria

- Dry ground conditions only
- Erosion control methods (water bars, replanting, sediment barriers, mulches or erosion fabrics, etc.) put in before fall/winter precipitation
- 65% effective ground cover on disturbed areas
- Restrict ground-based equipment on slopes greater than 35% unless they are short pitches under 150 feet in length
- Avoid disturbance to un-weathered thick volcanic ash deposits located above access roads along Fly Creek
- Recontour access roads where feasible and where it is unlikely access will be needed in the future

MAP(S)





PROPOSAL SCREENING

REGULATORY CONSIDERATIONS

Given the nature of the proposal, the Responsible Official is requesting documentation to demonstrate compliance with the following regulatory considerations in addition to NEPA:

- | | |
|--|--|
| <input checked="" type="checkbox"/> NFMA/Land Management Plan | <input checked="" type="checkbox"/> Tribal Consultation |
| <input checked="" type="checkbox"/> Endangered Species Act | <input checked="" type="checkbox"/> Clean Water Act |
| <input checked="" type="checkbox"/> Sensitive Species (FSM 2670) | <input checked="" type="checkbox"/> Pertinent Executive Orders |
| <input checked="" type="checkbox"/> National Historic Preservation Act | |

AGENCIES, ORGANIZATIONS & PERSONS TO BE CONTACTED

Given the nature of the proposal, the Line Officer/Responsible Official is requesting the following agencies, organizations and/or persons be contacted to provide input to, or to be made aware of, the proposal. A brief overview of feedback or comments provided is included.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

State Historic Preservation Office (SHPO)

National Oceanic Atmospheric Administration (NOAA) Fisheries

RESOURCE PARTICIPATION IN ENVIRONMENTAL ANALYSIS REVIEW

The Line Officer/Responsible Official has requested the following resource areas to review the proposal to determine compliance with the regulatory considerations.

Table 1: Documentation of Review Completion

Resource	Review Complete
Botany	11/7/2019 Scott Schaefer
Cultural/Heritage	11/7/2019 Anthony King
Fisheries	11/7/2019 Joe Platz
Hydro	11/7/2019 Dana Nave
Soils	11/7/2019 Mary Young
Wildlife	11/7/2019 Laura Navarrete

**ENVIRONMENTAL ANALYSIS REVIEW****NATIONAL FOREST MANAGEMENT ACT (NFMA) – LAND MANAGEMENT PLAN CONSISTENCY**

The pertinent specialist has reviewed the proposal and made the following determinations regarding proposal consistency with applicable Land Management Plan direction, standards and guidelines.

Botany: Consistent

Range: N/A

Cultural/Heritage: Consistent

Recreation: N/A

Engineering: Consistent

Scenic Resources: N/A

Fisheries: Consistent

Soils: Consistent

Fuels: N/A

Silviculture: N/A

Hydro: Consistent

Special Management Areas: N/A

Minerals: N/A

Wildlife: Consistent

REQUIRED MODIFICATIONS

All instream work will take place in July.

ENDANGERED SPECIES ACT**THREATENED, ENDANGERED, PROPOSED AND CANDIDATE SPECIES &/OR CRITICAL HABITAT**

The pertinent specialists reviewed the proposal and made the following determinations for threatened, endangered and/or proposed species:

Table 2: TEPC Effect Determinations for ESA

Species/Habitat	Status	Proposed or Designated Critical Habitat Present?	Determination*	Brief Rationale (or refer to other project documentation)
Summer Steelhead	Endangered	Yes	No Jeopardy	See ARBOII
Chinook	Endangered	Yes	No Jeopardy	
Canada Lynx	Endangered	No	NE	See Wildlife BE

*NE – No Effect; NLAA – May Affect, Not Likely to Adversely Affect; LAA – May Affect, Likely to Adversely Affect; No Jeopardy - Not Likely to Jeopardize the Continued Existence or Adversely Modify Critical Habitat

SUPPORTING PROJECT DOCUMENTATION

Table 3: Applicable Project File Documentation to Support ESA Compliance

Documentation Type	File Name (if applicable/needed)
ARBO II	C:\Users\briannacarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Fly Creek



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Documentation Type	File Name (if applicable/needed)
Wildlife BE	Restoration

SENSITIVE SPECIES (FSM 2670)

The pertinent specialists reviewed the proposal and made the following determinations for sensitive species:

Table 4: Sensitive Species Impact Determinations

Species	Determination*	Rationale (or refer to other project documentation)
Columbia Spotted Frog	MIIH	MIIH in short term, Beneficial Impact in medium to long term
Pacific Lamprey	MIIH	
Redband Trout	MIIH	
California Wolverine	NI	See Wildlife BE in project file
Shiny Tightcoil	MIIH	
Thinlip Tightcoil	MIIH	
Western Bumblebee, Suckley Cuckoo Bumblebee, Morrisoni Bumblebee	MIIH	

NI – No Impact; **MIIH**- May Impact Individuals or Habitat, but Will Not Likely Contribute To A Trend Towards Federal Listing Or Loss Of Viability To The Population Or Species; **WIFV** - Will Impact Individuals or Habitat with A Consequence That the Action May Contribute To A Trend Towards Federal Listing Or Cause A Loss Of Viability To The Population Or Species

SUPPORTING PROJECT DOCUMENTATION

Table 5: Applicable Project File Documentation to Support Agency Sensitive Species Compliance

Documentation Type	File Name (if applicable/needed)
Wildlife BE ARBOII	C:\Users\briannacarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Fly Creek Restoration

NATIONAL HISTORIC PRESERVATION ACT (NHPA) – SECTION 106 REVIEW

The pertinent specialist has reviewed the proposal and made the following determination regarding Section 106 compliance:

No historic properties affected - 36 CFR 800.4(d)(1). Section 106 Review has been completed for the project area and no National Register eligible cultural sites were found.

COMMENTS

11/7/2019 - SHPO Report

12/03/2019 – Response to SHPO Comments

02/12/2020 – No reply concurrence



SUPPORTING PROJECT DOCUMENTATION

Table 6: Applicable Project File Documentation to Support NHPA Compliance

Documentation Type	File Name (if applicable/needed)
SHPO Programmatic Agreement	C:\Users\briannakarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Fly Creek Restoration

TRIBAL CONSULTATION

Based on the nature of the proposal, the line officer/responsible official made the following determination regarding Tribal Consultation:

Consultation with American Indian Tribes has been initiated and is ongoing.

COMMENTS

Project shared at 2019 and 2020 CTUIR Program of Work meetings

11/7/2019 – CTUIR Project notification

1/2020 – Email responses to CTUIR questions

02/22/2020 – CTUIR 30 days, no reply to responses

SUPPORTING PROJECT DOCUMENTATION

Table 7: Applicable Project File Documentation to Support Tribal Consultation Compliance

Documentation Type	File Name(s)
Program of Work and Cover Letters	C:\Users\briannakarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Fly Creek Restoration

CLEAN WATER ACT (CWA)

The pertinent specialist has reviewed the proposal and made the following determination:

All work will occur in July, when the stream is dry.

SUPPORTING PROJECT DOCUMENTATION

Table 8: Applicable Project File Documentation to Support CWA Compliance

Documentation Type	File Name(s)
Programmatic permit with Army Corps and DSL	AARS Database



PERTINENT EXECUTIVE ORDERS

The line officer and/or applicable specialist(s) have determined the proposal is in compliance with the following Executive Orders (EO), which were deemed pertinent based on the nature of the proposal.

- EO 11988, Floodplain Management
- EO 11990, Protection of Wetlands
- EO 12898, Environmental Justice
- EO 13007, Indian Sacred Sites
- EO 13112, Invasive Species
- EO 13175, Consultation & Coordination w/ Indian Tribal Governments
- EO 13186, Migratory Birds
- EO 13443, Facilitation of Hunting Heritage & Wildlife Conservation

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) – EXTRAORDINARY CIRCUMSTANCE CONSIDERATIONS

Pertinent specialists have reviewed the proposal and made the following determinations with regards to presence of extraordinary circumstances:

Table 9: Extraordinary Circumstance Determinations

Resources Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain. ¹
WILDLIFE Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species	NO, there is no uncertainty
	Rationale for Yes/No: Restoration activities will follow PDCs and mitigation measures to ensure minimal disturbances are made to sensitive species habitat.
FISHERIES Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species	NO, there is no uncertainty
	Rationale for Yes/No: Work will be accomplished during the instream work window, and the project is designed to promote long term benefits to fish habitat.
BOTANY Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species	N/A, not present
	Rationale for Yes/No: No TESP species were identified in the project area
Floodplains, wetlands or municipal watersheds	NO, there is no uncertainty
	Rationale for Yes/No: Restoration activities are designed to improve floodplains



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Resources Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain. ¹
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	N/A, not present
Inventoried roadless areas	N/A, not present
Research natural areas	N/A, not present
American Indians and Alaska Native religious or cultural sites	NO, there is no uncertainty Rationale for Yes/No: No cultural properties found. If new sites are discovered during project implementation work will stop and an archaeologist will be notified.
Archaeological sites, or historic properties or areas	NO, there is no uncertainty Rationale for Yes/No: No historic properties found. If new sites are discovered during project implementation work will stop and an archaeologist will be notified.



DECISION MEMO

Lower Fly Creek Restoration

U.S. Forest Service

La Grande Ranger District, Wallowa-Whitman National Forest

Union County, Oregon

This decision incorporates all previous information in this document and included in the project file.

DECISION & RATIONALE

I have decided to authorize the activities described above in the [Proposal](#) section, to include any modifications identified during environmental analysis and review of regulatory compliance.

APPLICABLE CATEGORICAL EXCLUSION & FINDINGS REQUIRED BY OTHER LAWS

The [Proposal Information](#) section above provides rationale for categorically excluding this action from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and for using the category listed as 36 CFR 220.6(e)(7). The [Environmental Analysis Review](#) section documents the finding that no extraordinary circumstances exist, along with findings required by other applicable laws and regulations, demonstrating compliance with the regulatory framework for the activities authorized by this decision.

AGENCIES, ORGANIZATIONS & PERSONS CONTACTED

A [list of agencies, organizations and/or persons contacted](#) regarding this proposal is provided above, along with a brief overview of comments/feedback received and how they were considered.

IMPLEMENTATION DATE

I intend to implement this decision beginning in May 2020.

ADMINISTRATIVE REVIEW

Decisions that are categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are not subject to an administrative review process (Agriculture Act of 2014 [Pub. L. No. 113-79], Subtitle A, Sec. 8006).

CONTACT

For additional information concerning this decision, contact:

Joe Platz, Fisheries Biologist, 3502 Hwy 30, La Grande, OR, 97850, 541-962-8571

2/25/2020

Bill Gamble

La Grande District Ranger



Lower Fly Creek Restoration Project

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